

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards", Iowa Administrative Code.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on September 17, 2003, as **ARC 2776B**. Six public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from 26 persons and organizations. The majority of the comments were made concerning the numerical criteria for chloride and the numerical criterion for total dissolved solids (TDS). A responsiveness summary addressing the comments can be obtained from the Department of Natural Resources.

The adopted amendments have been modified in two ways from those published under Notice of Intended Action. The amendment to add fourteen stream segments as Class B(LR) Limited Resource warm water will now add only thirteen of the stream segments to the document "Surface Water Classifications". These changes are based on new and old warm water field use assessments of the streams. Following consideration of comments made during the comment period, the Department recommended terminating the rule-making efforts on the designation of Little Wapsipinicon River until more field data can be obtained.

At their March 15, 2004, meeting, the Environmental Protection Commission acted to terminate rule making efforts for Chloride and TDS, principally as items 3 and 4 in the Notice of Intended Action. In addition, the EPC made recommendations to:

- Sample and monitor chloride and TDS for adequate data to make an informed decision including the possible costs and returns associated with clean and healthy water.
- Monitor aquatic ecosystem impacts through biological surveys. Particularly where aquatic life may be impacted as a result of current effluent levels of cations and anions. Coordinate with and utilize fisheries personnel where possible.
- Utilize the EPA to make sure options being considered are consistent with the Federal Clean Water Act including court directives.
- Review stream classifications to be sure that the uses of streams are properly classified.
- Sponsor a workshop with help from EPA and Iowa scientists on alternative solutions to hard water, solutions for managing effluent during low flow conditions, new technology in waste treatment, and health considerations of effluent when reentering the drinking water supply.
- Continue consideration of site-specific WET tests but with maximum standards to protect aquatic ecosystems, livestock and wildlife watering and other uses in current rules.

These amendments may have an impact on small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The amendments shall become effective May 19, 2004.

The following amendments are adopted.

ITEM 1. Amend subrule **61.3(5)** by striking “July 16, 2003” and subrule **61.2(5)** by striking the “April 1, 1996” and inserting the effective date of this amendment.

ITEM 2. Amend subrule **61.2(5)**, paragraph “a,” as follows:

a. The allowable 3°C temperature increase criterion for warm water interior streams, ~~61.3(3)“f”(1), 61.3(3)“b”(5)“1,”~~ is based in part on the need to protect fish from cold shock due to rapid cessation of heat source and resultant return of the receiving stream temperature to natural background temperature. On low flow streams, in winter, during certain conditions of relatively cold background stream temperature and relatively warm ambient air and groundwater temperature, certain wastewater treatment plants with relatively constant flow and constant temperature discharges will cause temperature increases in the receiving stream greater than allowed in ~~61.3(3)“f”(1).~~ 61.3(3)“b”(5)“1.”